HON'BLE SRI JUSTICE N.R.L.NAGESWARA RAO

CITY CIVIL COURT APPEAL SUIT Nos. 190 and 191 of 2006

CROSS – OBJECTIONS (SR) No.10346 OF 2006
IN CITY CIVIL COURT APPEAL No.190 OF 2006

and

CROSS – OBJECTIONS (SR) No.10345 OF 2006
IN CITY CIVIL COURT APPEAL No.191 OF 2006

COMMON JUDGMENT:

Both the CCCA No.190 and 191 of 2006 arise out of common judgment, dated 28.04.2013, passed by the IX Additional Senior Civil Judge (Fast Track Court) City Civil Court, in O.S.No.1567 of 2007, concerning the A.S.No. 190 of 2006 filed by the appellants for specific performance of the contract and O.S.No.627 of 2001, concerning the appeal A.S.No.191 of 2006, by the respondents, for permanent injunction with regard to the enjoyment of the property claiming that the 1st respondent is owner of the property and has gifted the property in favour of his daughters. The Court below after considering the evidence on record, dismissed the suit O.S.No.1577 of 2000 for specific performance and decreed the suit O.S.No.627 of 2001 for injunction.

Learned counsel for the appellant has filed a memo for withdrawal of both the appeals as they are settled out of Court. In fact, so far as the settlement is concerned, there is no dispute. But however, so far as the cross-objections preferred by the respondents is concerned, it is their grievance that the Court below has given some findings with regard to the validity of the gift

said to have been executed by the 1st respondent in favour of his daughters and it is against the evidence. Evidently, the issue in the suits is not with regard to the validity or otherwise of the gift said to have been executed by the 1st respondent in favour of his daughters and therefore any finding on the said aspect can not be treated as correct and do not bind the parties in case any future decisions are to be taken on this aspect.

With the above observations, the Cross-Objections in both the appeals are closed. Both the Appeal Suits are dismissed as withdrawn. No costs. The Miscellaneous petitions, if any, pending in these appeals shall stand closed.

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N.R.L.NAGESWARA RAO, J

Date: 22.04.2013
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